

Sep 19, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARYLIN J. TAYLOR,

Plaintiff,

v.

BEVERLY BAKER, Tenant; CHERYL
L. GRAHAM, Landlord; ALL
UNKNOWN OWNERS, DIRECTORS,
SHAREHOLDERS and AGENTS;
TAHA HIJAZI, Maintenance Man;
EILEEN EPPS, Tenant; ENJOLI JOHN
DOE; WENDY CARTER, Tenant;
GLADY'S SMITH; DOREEN
TALBERTSON; PCMI GROUP;
STACY JOHN DOE; and MARK
HAWKINS,

Defendants.

No. 2:17-CV-0235-SMJ

**ORDER DISMISSING
COMPLAINT**

Plaintiff Taylor filed her complaint in this case on June 26, 2017. ECF No. 2. Magistrate Judge Rodgers allowed Plaintiff to proceed *in forma pauperis* since she lacked sufficient funds to prosecute this case. ECF No. 6. However, Magistrate Judge Rodgers also notified Plaintiff that her Complaint would be reviewed for legal sufficiency. *Id.* Indeed, courts are obligated to dismiss cases proceeding *in forma pauperis* if and when they determine that such a case is frivolous or

ORDER DISMISSING
CASE- 1

malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)–(iii); *see also Lavelle v. Lavelle*, No. CV-07-039-RHW, 2007 WL 4418170 at *1 (E.D. Wash. Dec. 14, 2007) (citing *Lopez v. Smith*, 203 F.3d 1122, 1126–27 n. 7 (9th Cir. 2000)).

Plaintiff filed an amended complaint on August 3, 2017. ECF No. 8. Plaintiff alleges that the defendants, who include her apartment complex, other tenants, managers and employees, have harassed, slandered, and threatened her. ECF No. 8 at 4–6. She alleges that in one incident another tenant told her to sit somewhere else at a community potluck, slandered her character and religion, and attempted to hit her. ECF No. 8 at 4. She alleges that her landlord failed to address her complaints and does not like her. ECF No. 8 at 4–5. She also accuses many of the defendants of “breach-of-the-peace” and conspiring with the landlord to illegally evict her. ECF No. 8 at 6. Although Plaintiff does not state the legal basis for these claims in her amended complaint, in her initial complaint she alleged that some of these actions violated the Civil Rights Act. ECF No. 2 at 5.

Plaintiff’s complaint fails to state a claim and is legally frivolous. Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” To meet this standard a complaint must allege “enough facts to state a claim to relief that is

1 plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A
2 claim frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v.*
3 *Williams*, 490 U.S. 319, 325 (1989). Plaintiff here fails to state a plausible, or even
4 arguable, legal or factual basis for a claim under the Civil Rights Act. Accordingly,
5 Plaintiff’s complaint is dismissed.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 **1.** Plaintiff Marilyn J. Taylor’s claims are **DISMISSED WITHOUT**
8 **PREJUDICE.**


9 **2.** Plaintiff’s First Request for FCR 45 Subpoenas, **ECF No. 9**, Request
10 for Rule 45 Subpoena, **ECF No. 10**, Ex Parte Motion for Appointment
11 of Pro Bono Counsel, **ECF No. 14**, Motion to Request Polograph [sic],
12 **ECF No. 18**, Motion to Request Order for Estoppel, **ECF No. 23**,
13 Motion to Allow Plaintiff to Stay in Her Apartment, **ECF No. 25**,
14 Motion for Sanctions, **ECF No. 29**, and Motion for Order for All
15 Accounts to be Seized, **ECF NO. 30**, are **DENIED AS MOOT.**

16 **3.** All hearings and other deadlines are **STRICKEN.**

17 **4.** The Clerk’s Office is directed to **CLOSE** this file.
18
19
20

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to pro se plaintiff.

DATED this 19th day of September 2017.


SALVADOR MENDEZ, JR.
United States District Judge

ORDER DISMISSING
CASE- 4